



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/998,941	11/15/2001	Gregory L. Trauth	PIP-81-TRAUU-US	5918
31518	7590	04/27/2005	EXAMINER	
NEIFELD IP LAW, PC 4813-B EISENHOWER AVENUE ALEXANDRIA, VA 22304			IRSHADULLAH, M	
			ART UNIT	PAPER NUMBER
			3623	
DATE MAILED: 04/27/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/998,941

Applicant(s)

TRAUTH ET AL.

Examiner

M. Irshadullah

Art Unit

3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15 and 16 is/are allowed.
- 6) ☒ Claim(s) 1-4,7-11,14,17,18,20-25 and 27-33 is/are rejected.
- 7) ☒ Claim(s) 5,6,12,13,19 and 26 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. In view of the Appeal Brief filed on December 17, 2004, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

2. This communication is in response to Appeal Brief filed December 17, 2004.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4, 7-11, 14, 17-18, 20-25 and 27-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boulton et al (US Patent 5,537,618) in view of Herz et al (US Patent 2001/0014868 A1).

Boulton et al teach :

Claim 1. An electronic network implemented method for notifying personnel customer feedback messages, comprising:

a) receiving from a customer feedback message in an electronic format (Col. 9, lines 43-48, wherein "user inputting feedback from feedback interface 42 and sending to storage database in storage block 44", indicating reference's teaching "receiving from a user or customer feedback or feedback message", and it is in "electronic format", since it is sent directly from interface 42 to the database);

b) automatically storing said feedback message from a customer in a database in response to receipt of said customer feedback message in said electronic format (Col. 9, lines 21-22 recited with lines 43-48, wherein cited "automatically sending the user entered feedback or feedback message to other components including the database which is storing it" indicating reference's teaching "automatically storing said feedback message from a customer in a database" and the storing is "relating to or in response of" above discussed "receiving or receipt of user or customer feedback message in electronic format");

In following element:

c) automatically creating and transmitting an electronic notification message to a first employee of an employer, said electronic notification message providing an indication that a feedback message exists, said automatically creating and transmitting occurring in response to at least one of said receiving and said automatically storing.

Boulton et al teach:

transmitting at least one of receiving and storing (As discussed above).

Boulton et al do not

automatically creating and transmitting an electronic notification message to a first employee of an employer, said electronic notification message providing an indication that a feedback message exists.

However, Herz et al teach the same (Claim 5, wherein “means for automatically generating an offer in receipt of the data from user terminal and transmitting it to user terminal display” indicating reference’s teaching “automatically generating or creating and transmitting an electronic an offer or offer message or notification message to a user or customer”, and as discussed above, the offer message or notification is sent automatically from the reference system to the user or customer terminal, it is in “electronic format”. Moreover, the offer message or notification is sent “in receipt of the data from the user terminal” indicating that “the user’s feedback message had been received or existed or exists”, and “the data” encompassing feedback or feedback message, as indicated by: “At step 504, the summarized weighted relevance feedback data is retrieved, page 14, para 0168, lines 3-4”. Furthermore, the term user encompassing “employee” as indicated by: “if offers are related to buying or selling stock offer profiles including number of employees during each of last 10 years, page 8, para 96, lines 1-4 and para 99, lines 12) and the employees pointing to have or belonging to “employer”).

Art Unit: 3623

It would have been obvious to one of ordinary skill in the relevant art at the time of Applicant's invention to incorporate Herz et al's feature into Boulton et al's invention, thereby providing a system enabling the user to automatically constructing and transmitting offers or messages customized for individual users or types of users and thus maximizing business relationship and profits.

In the following claims:

Claims 2, 9, 14, 18, 21, 23 and 29. The method of claim 1, wherein said transmitting comprises transmitting said electronic notification message is e-mail.

Boulton et al do not teach claimed feature.

However, Herz et al teach the same (Page 31, para 0294, lines 4-12, wherein cited "the buyer's club subsystem sending email to each shopper message about existence of buyer's club V and offer joining the club" indicating reference's teaching "transmitting electronic message or notification by e-mail").

It would have been obvious to one of ordinary skill in the relevant art at the time of Applicant's invention to incorporate Herz et al's feature into Boulton et al's invention, thereby providing a system enabling the user to transmitting offers or messages for users or types of users and thus maximizing business relationship and profits.

In the following claims:

Claims 3 and 24. The method of claim 1, wherein said receiving includes receiving a customer satisfaction rating.

Art Unit: 3623

Boulton et al do not teach claimed feature.

However, Herz et al teach the same (Page 15, lines 31-35, wherein "shopper V providing satisfaction ratings" indicating reference's teaching "receiving a customer satisfaction rating").

It would have been obvious to one of ordinary skill in the relevant art at the time of Applicant's invention to incorporate Herz et al's feature into Boulton et al's invention, thereby providing a system enabling the user to become aware about shoppers' or customers' behavior toward the goods and services provided and thus maximizing business relationship and profits.

In the following claims:

Claims 4 and 25. The method of claim 3, wherein said electronic notification message includes said customer satisfaction rating.

Boulton et al do not teach claimed feature.

However, Herz et al teach the same (As discussed above, reference system transmitting electronic offer message or notification to user terminal" indicating reference's teaching "transmitting a message or notification", a user would employ the transmission function for the offer message or notification including the above discussed customer satisfaction ratings).

It would have been obvious to one of ordinary skill in the relevant art at the time of Applicant's invention to incorporate Herz et al's feature into Boulton et al's invention,

thereby providing a system enabling the user to transmitting offers or messages for users or types of users and thus maximizing business relationship and profits.

Claim 7. The method of claim 1 wherein said customer feedback message in said electronic format comprises an audio file including a spoken message provided by the customer (Boulton et al: Col. 40, lines 11-14 and Fig. 35, cited "user's hearing feedback options and entering feedback using audio commands" indicating reference's teaching user's "providing spoken feedback or message" and it is implied that cited "audio commands", were stored in storage block 44 database, as indicated by: "storage block 44 providing tools and data including features, appearance, operation of interface 42 or computer 48, col. 10, lines 1-6" and according to database jargon, commands, data or information are stored in file, table or the like format).

Claim 8. An electronic network implemented method for notifying personnel of customer feedback messages, comprising:

a) receiving a spoken customer feedback message from a customer (Boulton et al: Fig. 35, col. 44, lines 18-45, wherein "the feedback interface receiving voice feedback message content from the user and sending it to storage 44" indicating reference's teaching "receiving a voice or spoken user's or customer's feedback message");

b) creating an audio file containing a recording of said spoken customer feedback message (Boulton et al: Fig. 35, described col. 44, lines 8-51, wherein cited "filling in user's spoken or audio feedback or message in the format of Fig. 15 record, col. 44, lines 45-48" indicating reference's teaching "filling in or generating or creating a spoken or

Art Unit: 3623

audio feedback or message record in the format of Fig. 15" and "a record" is a basic structural element of a "file". Moreover, "outputting or storing the record in the storage 44 including database, col. 9, lines 45-48" further indicating reference's provisioning a "file" format, since data or information, in accordance with database jargon, are stored in "file, table etc." format);

c) storing said audio file in a database (Boulton et al: Fig. 35, col. 44, lines 42-49, wherein cited "outputting or storing record to/in storage 44 including database" indicating reference's teaching "storing the record in a database" and as discussed above, the record is a basic structural element of a file. Moreover, data or information is stored in a database in "file, table etc." format);

d) generating an electronic notification message, said electronic notification message indicating that a certain feedback message has been received (See discussion of Applicant's claim 1c) above);

e) transmitting said electronic notification message to an employee of an employer (See discussion of Applicant's claim 1c) above); and

f) accessing said database and playing said electronic audio file containing a record of said spoken feedback message in said database to said employee, upon receiving a command from said employee (Boulton et al: Fig. 35, col. 44, lines 18-45, wherein cited "reviewer accessing database {to retrieving} user's current spoken or voice feedback or feedback message sent for storing it in above discussed database of storage 44 {sending current feedback item for storing {in database of storage 44} and accessible to reviewer} indicating reference's teaching "accessing the database" and "voice or audio

commands, are used for entering the feedback message, col. 40, lines 11-14}, the feedback message would be stored in audio format, indicating that when reviewer accessing it, the message would output in voice or audio form or format, i.e., the reviewer would “play” the stored or recoded feedback message and the “playing” occurring in response or upon receiving requisite audio commands, col. 44, lines 26-29, and “reviewer representing an “employee, such as above discussed manager, supervisor etc.).

Claim 10. The method of claim 8 further comprising the further assigning a response ID to said customer feedback message (Boulton et al: Col. 25, lines 26-30, wherein cited “category or subcategory assigned an ID”, indicating reference’s teaching “assigning an ID” function which function a user would use for claimed purpose).

Claim 11. The method of claim 10 wherein said command from said employee comprises said response ID (Boulton et al: (Col. 24, lines 53-56, wherein cited “sharing content field comprising names or ID numbers of individuals” indicating teaching provisioning “ID” to individual and the individual encompassing above discussed employees, managers, supervisors etc.).

Claim 17. A customer feedback notification electronic system,
comprising:

a) a database for storing a customer feedback message of a customer
(See discussion of Applicant’s claim 1b) above);

b) an electronic notification message, said electronic notification message indicating that a feedback message has been received (See discussion of Applicant's claims 8e) and 1c) above); and

c) a computer server for transmitting said notification message to an employee of an employer upon receipt of said customer feedback message (See discussion of Applicant's claim 1d) above, and Boulton et al's storage block 44 functioning as "server", as indicated by "storage block 44 being part of computers 40, 48, 50 and providing tools and data describing features, appearance, and operation of feedback interface 42, col. 9, line 62 through col. 10, 6").

Claim 20. A customer feedback notification system, comprising:

a) a voice server for receiving a spoken customer feedback message (See discussion of Applicant's claim 19a) above);

b) a database for storing said feedback message in an audio file (See discussion of Applicant's claims 8b) and 8c) above);

c) an electronic notification message indicating that said feedback message has been received, said electronic notification message including said audio file (See discussion of Applicant's claim 8d) and 7) above); and

d) a computer server for promptly transmitting said notification message to an employee in response receipt of said customer feedback message (See discussion of Applicant's claim 8e) above).

Claim 22. An electronic network implemented method for receiving and tracking customer feedback messages, comprising:

a) receiving a customer feedback message of a customer (See discussion of Applicant's claim 1a) above);

b) storing said customer feedback message in a database (See discussion of Applicant's claim 1b) above);

c) creating an electronic notification message indicating that a customer feedback message has been received from an individual customer (See discussion of Applicant's claim 8d) above);

d) promptly transmitting said notification message to an employee of an employer upon receipt of said customer feedback message (See discussion of Applicant's claim 8d) above, and since transmission is performed from computers to computers, it is dynamically or promptly done);

e) accessing said database using a web server to retrieve said customer feedback message to a web browser (See discussion of Applicant's claim 8f) above and Herz et al teach "internet or web browser, page 30, para 0291, lines 1-3 and see motivation in Applicant's claim 1d) above).

In the following element:

f) displaying to said employee said customer feedback message within a web page displayed by said web browser.

Boulton et al teach:

displaying customer feedback to employee (Abstract, lines 25-28, wherein cited "reviewer displaying specific feedback" indicating reference's teaching "displaying feedback or customer feedback to reviewer" and as discussed above the reviewer is representing employee.

Boulton et al do not teach:

web page.

However, Herz et al teach the same (page 8, para 0111, lines 2-7, wherein cited shopper or user or customer "retrieving web page" indicating reference's teaching "web page" which a user would use for claimed purpose. Both Boulton et al and Herz et al are analogous.

It would have been obvious to one of ordinary skill into the relevant art at the time of Applicant's invention to incorporate Herz et al's feature into Boulton et al's invention, thereby entailing a system enabling a use to obtain information including feedback from a web site or page.

Claim 27. The method of claim 22 comprising the further steps of:

- a) creating an audio file containing said customer feedback message; storing said audio file in said database (See discussion of Applicant's claim 7a) above); and
- b) providing a link on said web page enabling said employee to playback said audio file (See discussion of Applicant's claim 8c) above).

Claim 28. A system for receiving and tracking customer complaints, comprising:

a) a voice server for receiving a customer complaint (See discussion of Applicant's claim 22a) above, and reference teaching "complaint, col. 10, lines 17-20");

b) a database for storing said complaint in a complaint record (See discussion of Applicant's claim 22b) above, and reference teaching "complaint, col. 10, lines 17-20");

c) a message server for serving an electronic notification message indicating that complaint has been received, said message server configured to automatically serve said electronic notification message to an employee of an employer promptly upon receipt of said customer complaint (See discussion of Applicant's claim 22c) above, and Boulton et al teaching "complaint, col. 20, lines 17-19" and see motivation above);

d) a web server connected with said database, said web server configured to enable said employee to access said database to retrieve said complaint record (See discussion of Applicant's claim 22e) above, and Boulton teaching "complaint, col. 20, lines 17-19" and see motivation above).

Claim 30. The system of claim 28 further comprising:

a) an audio file containing a recording of a spoken customer complaint (See discussion of Applicant's claim 7a) above, and Boulton et al teaching "complaint, col. 20, lines 17-19");

b) wherein said complaint record includes said audio file (See discussion of Applicant's claim 7) above, and Boulton et al teaching "complaint, col. 00, lines 17-19").

Claim 31. The system of claim 30 further comprising a mechanism to attach said audio file to said electronic notification message (See discussion of Applicant's claim 7 above)

Claim 32. The method of claim 7 wherein said electronic notification message includes said audio file (See discussion of Applicant's claim 7) above).

Claim 33. A computer program product comprising a computer readable media storing code for enabling an electronic network to implement a method for notifying personnel of customer feedback messages (Boulton et al: Col. 7, lines 49-54, wherein cited hard drive, CD etc. representing computer readable media and the same are used for storing applications or program instructions), said method comprising:

- a) receiving from a customer a customer feedback message in an electronic format (See discussion of Applicant's claim 1a) above);
- b) automatically storing said feedback message from said customer in a database in response to receipt of said customer feedback message in said electronic format (See discussion of Applicant's claim 1b) above); and
- c) automatically creating and transmitting an electronic notification message to a first employee of an employer, said electronic notification message providing an indication that a feedback message exists, said automatically creating and transmitting occurring in response to at least one of said receiving and said automatically storing (See discussion of Applicant's claim 1c) above).

Allowable Subject Matter

5. Claims 5, 6, 12, 13, 19 and 26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. The following is an examiner's statement of reasons for allowance:

In regard to claim 15:

The prior art Boulton et al (US Patent 5,537,618) teaching a spoken message, creating an audio file containing a recording of the spoken message and storing the audio file in a database, and Herz et al (US Patent 6,539,392 B1) teaching a customer satisfaction rating and generating electronic notification message indicating at least the existence of the customer satisfaction rating. However, the prior art severally or in combination does not teach or suggest as a whole:

"determining whether the satisfaction rating is below a threshold value, and transmitting a second electronic notification to a second employee if the satisfaction rating is below the threshold value and the second notification message indicating at least in part the existence of the satisfaction rating".

7. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments


8. Applicant's arguments with respect to claims 1-33 have been fully considered, but are moot in view of the new ground(s) of rejection.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Irshadullah whose telephone number is 571-272-6731. The examiner can normally be reached Monday-Friday from 10:00 a.m. to 6:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on 571-272-6729. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


M. Irshadullah
April 18, 2005


TARIQ R. HAFIZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600